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Message Text

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46
ORIGIN NEA-10

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 CIAE-00

INR-07 NSAE-00 H-02 DEAE-00 JUSE-00 SNM-02 DODE-00

PRS-01 /052 R

DRAFTED BY NEA/PAB:RKMCKEE/GN
APPROVED BY NEA/PAB:PWLANDE (DRAFT)
NAVY/JAG:LCDRSWAYZE(DRAFT)
DOD/OGC:HALMOND (DRAFT)
NAVY:CMDRESTUMBAUGH (DRAFT)
---------- 086725
R 061537Z OCT 76
FM SECSTATE WASHDC
TO AMEMBASSY ISLAMABAD
INFO AMCONSUL KARACHI
CINCPAC

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PK, US, MARR

SUBJECT: AREA CLEARANCE FOR DEFENSE COUNSEL AND SEAMEN TO VISIT PAKISTAN

1. US COURT OF MILITARY APPEALS ORDER OF JULY 13 REQUIRES THAT USG PROVIDE AT ITS EXPENSE TRANSPORTATION TO AND FROM KARACHI FOR DEFENSE COUNSEL AND SEVEN SEAMEN ACCUSED OF BRINGING HASHISH ABOARD USS MIDWAY IN KARACHI LAST YEAR. COMPLIANCE IS REQUIRED BY 1, OCTOBER BUT HAS BEEN HELD IN ABEYANCE PENDING APPROVAL FROM THE GOP. WERE THE GOP TO REFUSE ENTRY INTO PAKISTAN, CHARGES AGAINST THE SEVEN ACCUSED MIGHT WELL BE DISMISSED. TWENTY-TWO
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OTHER SEAMEN SIMILARLY CHARGED, WHOSE DEFENSE COUNSEL DID

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NOT RAISE QUESTION OF TRAVEL TO PAKISTAN, WERE CONVICTED AND PUNISHED OR RECEIVED UNDESIRABLE DISCHARGES IN LIEU OF COURT-MARTIAL.

2. NAVY UNDERSTANDS REPORTED RELUCTANCE OF GOP AUTHORITIES TO PERMIT ENTRY AND APPRECIATES GOP OFFER TO HAVE APPROPRIATE PAKISTANI LAW ENFORCEMENT AUTHORITIES INVESTIGATE AND REPORT. HOWEVER, THIS PROCEDURE WOULD NOT CONSTITUTE COMPLIANCE WITH COURT ORDER.

3. IN VIEW OF THESE CONSIDERATIONS, US COMMITMENT TO FAIR TRIAL PRINCIPLE, AND USG INTEREST IN ENFORCEMENT OF NARCOTICS LAWS AND REGULATIONS, EMBASSY IS REQUESTED TO APPROACH GOP AT APPROPRIATE LEVEL ONE MORE TIME TO INQUIRE REGARDING STATUS OF REQUEST FOR PERMISSION TO ENTER PAKISTAN AND TO URGE FAVORABLE DECISION. IF EMBASSY PERCEIVES THAT GOP IS INCLINED TO GRANT REQUEST BUT NEEDS MORE TIME, NAVY PREPARED TO SEEK FURTHER EXTENSION FROM COURT. IF, HOWEVER, EMBASSY SOUNDINGS CONFIRM THAT GOP DECISION WILL BE NEGATIVE, EMBASSY SHOULD URGE EARLY FORMAL REPLY AND REPORT TO SECSTATE AND SECDEF SO THAT COURT-MARTIAL MAY PROCEED. ROBINSON

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